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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,565	10/02/2000	Robert G. Arsenault	PD-200019	4411
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			EXAMINER BELIVEAU, SCOTT E	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 07/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/677,565

Applicant(s)

ARSENAULT ET AL.

Examiner

Scott Beliveau

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments with respect to the rejection under Wugofski have been fully considered and are persuasive. The rejection of claims 1, 8, and 12 has been withdrawn under Wugofski. In particular, upon further consideration, while the Wugofski teaches the particular usage of multiple sources for the receipt of program guide information and further provides a "network identifier" associated with sources. It is unclear if the identified source of programming necessarily identifies the service network transmitting the first program guide information" or merely identifies the source of programming. For example, the reference discloses that one of the sources of program guide information may be the Internet and as such it is a valid conclusion that the identified source of Figure 4 is referencing the source of programming as opposed to the source of the program guide information.
2. Applicant's arguments filed with respect to the grounds of rejection under Eyer et al. and Arsenault et al. have been fully considered but they are not persuasive.

With respect to the rejection under Eyer et al., the examiner respectfully disagrees with respect to the failure of the reference to particularly generate a first program guide based on a comparison between the station configuration and the guide information. The claims do not require that the "receiver station configuration" is necessarily associated with the particular physical embodiment of the receiver. Rather, the term is broadly construed as being any type of information that would determine what program guide information to be received (ex. the terminal is "configured" to receive guide information and services from selected networks/providers). The receiver "receives" program guide information including a

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“default transmitting network identifier value” that identifies the particular network in which the “program guide information” is associated (ex. global or local). The aforementioned “network identifier value” may further “uniquely identify the service network transmitting the first program guide information” as is the case with global programming (Col 7, Lines 57-65). Accordingly, based on the “configuration” of the “receiver” particularly identifying the program guide information that the receiver is authorized, the embodiment filters the program guide information.

Applicant's arguments filed with respect to the rejection under Arsenault et al. have been fully considered but they are not persuasive. The examiner is unclear as to how in particular reasoning presented in conjunction with the grounds of rejection is necessarily deficient. Rather, the response appears to merely recite the rejection of record in conjunction with the passages cited by the examiner. As to particular limitation/step of “generating a first program guide from the first program guide information”, as previously set forth, it is the examiner’s interpretation that the reference teaches a method for “generating a first program guide from the first program guide information and presenting the first program guide” as illustrated in Figure 3 on the basis of a “comparison between the receiving station configuration” (ex. what network group is the receiver configured to received) with the “default transmitting network identifier” associated with the received program information (Col 8, Line 54 – Col 9, Line 23). Namely, the receiver is configured to filter distributed program data and subsequently present a program guide on the basis of a comparison or filtering process between the receiver configuration and the particularly received data.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-6, 8, 11, 12, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al. (US Pat No. 6,401,242).

In consideration of claims 1 and 12, the Eyer et al. reference discloses a broadcast system [100] comprising a plurality of service networks such as that associated with satellite distribution or associated with the distribution network of different cable plants each of which “broadcasts a set of programs and program guide information describing at least a portion of the set of programs” (Col 3, Lines 9-35). The embodiment “determines a receiver station configuration” wherein the configuration defines programs and services that are available to the receiver due to operator preference or limited channel capacity associated with a particular cable network (Col 8, Lines 47-56; Col 9, Lines 1-38). Subsequently, the embodiment is operable to “receive a first program guide information at the receiver station” comprising a “default transmitting network identifier value uniquely identifying the service network” such that the program data is associated with either the satellite (global) or a particular cable provider (local). The embodiment is subsequently operable to “generate a first program guide from the first program guide information” and to “present the first program guide information” (Col 9, Lines 53-65) on the basis of a “comparison between the

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determined receiving station configuration and the default transmitting network identifier” such only program guide information that is applicable to the receiver is retained and displayed (Col 10, Lines 10-32).

Claim 8 is rejected as aforementioned as outlined in the rejection of claims 1 and 12, wherein the “receiver station” [130] comprises an “antenna” [120], a “tuner communicatively coupled to the antenna” [160], and a “processor coupled to the tuner” [165].

Claims 4, 11, and 15 are rejected wherein the embodiment is operable to “receive a message from the broadcasting system indicating the receiving station configuration” (Col 9, Lines 23-28; Col 22, Lines 24-26).

Claims 5 and 16 are rejected wherein the “determined receiving station configuration” is compared with the “default transmitting identifier” such that the “first program guide” is “presented . . . only if the receiving station configuration indicates that the receiving station is configured to receive signals from the first service network” wherein the “first program guide” and “first service network” correspond to the local or regional cable provider (Figure 4; Col 9, Lines 48-65).

In consideration of claims 6 and 17, the programs within the Eyer et al. reference are associated with a “viewer channel” such as CNN and the “first program guide information further comprises a transmitting network identifier associated with the viewer channel” which defines/identifies a “service network” (Col 7, Lines 16-50) such as cable or satellite. The embodiment in “presenting the first program guide” subsequently, “compares the determined receiving station configuration” to both the “default transmitting network identifier” associated with the global programming as well as the “transmitting network

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identifier” in order to “generate” the program guide such that the guide comprises information based on the network that the IRD belongs as well as the channels that the system does not support (Col 2, Lines 55-60).

5. Claims 1, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Arsenault et al. (US Pat No. 6,658,661)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

In consideration of claims 1 and 12, the Arsenault et al. reference discloses a broadcast system (Figure 1) comprising a plurality of service networks associated with a multiple satellites (Col 3, Lines 29-35) which “broadcast a set of programs and program guide information describing at least a portion of the set of programs” (Col 4, Lines 8-59). The embodiment “determines a receiver station configuration” such that receiver [36] determines the particular network group for which it is designated (Col 8, Lines 54-61). Subsequently, the embodiment is operable to “receive a first program guide information at the receiver station” comprising a “default transmitting network identifier value uniquely identifying the service network” or network number that associated with program guide object packet and “generate”/“present” the “first program guide” on the basis of a “comparison” between the “default transmitting network identifier” and that associated with the receiver configuration

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such that the guide data presented corresponds to the particular broadcast programming (Col 6, Lines 1-53).

Claim 8 is rejected as aforementioned as outlined in the rejection of claims 1 and 12, wherein the "receiver station" (Figure 2) comprises an "antenna" [34], a "tuner communicatively coupled to the antenna" [52], and a "processor coupled to the tuner" [58] (Col 5, Lines 53-67).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 7, 10, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (US Pat No. 6,401,242).

In consideration of claims 3, 10, and 14, the Eyer et al. reference discloses that the discarded IPG data may correspond to programming services which are not available to the IRD (Col 9, Lines 29-32). The reference, however, does not explicitly disclose nor preclude further "determining a number of converters; and determining the receiving station configuration according to the number of converts". It would have been obvious to one having ordinary skill in the art at the time the invention was made to do such since it was known in the art that multiple satellite systems typically broadcast a first set of channels for reception by a first converter and a second set of channels for reception by a second



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converter so as to increase the number of channels offered (ex. Eastman ('737) – Col 3, Lines 24-35). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine the number of converters in a configuration such as that employed by Eyer for the purpose of determining what program services (ex. channels) are capable of being supported by the IRD. For example, an embodiment with a single converter may only be operable of receiving/supporting a first set of channels.

In consideration of claims 7 and 18, the Eyer et al. reference implies that the further “comparison between the determined receiver configuration and the default transmitting network identifier indicates that the receiving station is configured to receive signals from the first service network” such that if the embodiment was not operable/authorized to receive programming from associated with any service network then a program guide associated with that service network would not be generated. Accordingly, the “comparison” and “generation” steps are “only performed” presuming the reception of a signal for which the user is operable/authorized to receive.

8. Claims 2, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (US Pat No. 6,401,242) in view of Bennington et al. (US Pat No. 6,418,556).

In consideration of claims 2, 9, and 13, the Eyer et al. reference discloses that the discarded IPG data may correspond to programming services which are not available to the IRD due to operator preference (Col 9, Lines 29-32) wherein the particular “receiving station configuration” is “determined” on the basis of that configuration. The reference, however, does not explicitly disclose nor preclude a method by which the user or operator is provided with a means to “select” a particular channel configuration or preference as to the available

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channels. For example, premium channels may not be available per user/operator preference. The Bennington et al. reference illustrates a method wherein a user of an IPG is “presented a plurality of configurations” or channels for which the user is not subscribed whereupon the embodiment is operable to “accept a selection of configurations from among the plurality of presented configurations” (Figure 26; Col 16, Line 66 – Col 17, Line 14). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention so as to provide a means by which a user may “present” and “accept a selection of configurations from among the plurality of presented configurations” via an IPG as suggested by Bennington et al. for the purpose of providing a means by which a user may advantageously subscribe to premium services on an impulse or on-demand basis (Bennington et al.: Col 3, Lines 18-24).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Kim et al. (US Pat No. 6,405,372) reference discloses a broadcast system comprising a “plurality of service networks each broadcasting a set of programs and program guide data describing at least a portion of the set of programs” (Col 1, Lines 13-45). The system “determines a receiver station configuration” such that receiver (Figure 1) determines which “default transmitting network identifier

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values” for which the user is interested (Col 4, Lines 39-42). By default, all of the channels that are currently received are scanned. Subsequently, the embodiment is operable to “receive a first program guide information at the receiver station” comprising a “default transmitting network identifier value uniquely identifying the service network” or channel/network associated with program guide and to “generate”/“present” the “first program guide” on the basis of a “comparison” between the “default transmitting network identifier” and that associated with the receiver configuration identifying receivable stations of interest (Col 3, Line 29 – Col 4, Line 23).

- The Rzeszewski et al. (US Pat No. 5,917,481) reference discloses a method for presenting a plurality of configurations wherein the user may select channels for which electronic program guide data is to be stored.
- The Ogawa et al. (US Pat No. 6,314,571) reference discloses an EPG collection and delivery system.
- The Newberry et al. (US Pat No. 5,625,406) reference discloses a system for generating a unified program guide interface based upon data received via multiple sources. One of the sources may be designated as a default.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until


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after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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SEB  
July 19, 2004